

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES MICHAEL DUBROCK,

Petitioner,

VS.

SUPERINTENDENT of SCI SOMERSET,  
ATTORNEY GENERAL OF THE STATE  
OF PENNSYLVANIA, and DISTRICT  
ATTORNEY OF JEFFERSON COUNTY,

Respondents.

2:21-cv-432-RJC

District Judge Robert J. Colville

Magistrate Judge Cynthia Reed Eddy

## ORDER OF COURT

Before the Court is the Honorable Cynthia Reed Eddy's November 18, 2022 Report and Recommendation (ECF No. 15), which recommends that Petitioner's Petition for Writ of Habeas Corpus (ECF No. 1) be denied and that a certificate of appealability as to each claim be denied. Objections to Judge Eddy's Report and Recommendation were due by December 5, 2022. Petitioner filed timely Objections (ECF No. 16) on December 2, 2022. Respondents filed a Notice (ECF No. 17) on December 14, 2022 informing the Court that Respondents did not intend to respond to Petitioner's Objections. Accordingly, this matter is ripe for disposition.

With respect to dispositive matters, the reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and

recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon review of the entire record in this matter, the Court agrees with the thorough and well-reasoned analysis set forth in Judge Eddy’s Report and Recommendation, and the Court accepts and adopts Judge Eddy’s Report and Recommendation in its entirety as the opinion of the Court. Petitioner’s Objections to the Report and Recommendation are overruled. Petitioner’s Petition for Writ of Habeas Corpus is denied. A certificate of appealability is denied because jurists of reason would not find it debatable whether each of Petitioner’s claims should be denied. The Clerk of Court shall mark this case as closed.

BY THE COURT:

s/Robert J. Colville  
Robert J. Colville  
United States District Judge

DATED: August 3, 2023

cc/ecf: All counsel of record